

## REMARKS

The final Office Action mailed July 12, 2007 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1, 4, 5, 8, 10-16 and 18 are now pending in this application. Claims 11-13, 16 and 18 are allowed. Claims 1, 4, 5 and 8-10 stand rejected. Claims 2, 9, 14, 15 and 17 stand objected to. By the above amendment, Claims 2, 9 and 17 have been canceled.

Applicant acknowledges the Examiner's indication that Claims 11-13, 16 and 18 are allowed and that Claim 2 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By the above amendment, independent Claim 1 has been amended to include the recitations of Claim 2. Claim 2 has been canceled accordingly.

The objection to Claims 9 and 17 under 37 CFR 1.75(c) as being of improper dependent form is respectfully traversed. By the above amendment, Claims 9 and 17 have been canceled. Applicant submits that such amendment renders this objection moot and notification to that effect is respectfully solicited.

The objection to Claims 14 and 15 for alleged informalities is respectfully traversed. By the above amendment, Claims 14 and 15 have been amended to address the alleged informalities. Applicant submits that such amendment overcomes this objection and notification to that effect is respectfully solicited.

The rejection of Claims 1, 4, 5 and 8-10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,312,247 to Sachdeva et al. (hereinafter referred to as "Sachdeva") is respectfully traversed.

Sachdeva describes a transpalatal orthodontic appliance for manipulation of the maxillary or mandibular arch in a patient. The appliance applies corrective forces to several teeth on opposite sides of the dental arch to expand the palate by moving the teeth outwardly with respect to a palate midline and expanding the arch.

Claim 1 recites an apparatus for facilitating treatment of a tooth that is at least partially impacted, the apparatus comprising "a wire fabricated at least partially from a superelastic material, said wire comprising a first end, a second end, and a substantially

planar body extending therebetween, said body having a substantially uniform thickness and movable between a static position and an activated position, said body comprising at least one eyelet formed between said first end and said second end, wherein said body is stretched between said first end and said second end, said first end comprising a first fastener configured to couple to an orthodontic fixture coupled to an outer surface of a tooth that is at least partially impacted, with said body stretched to the activated position said second end comprising a second fastener configured to couple to an anchoring device and secure said apparatus relative to the tooth, such that said wire applies a substantially constant force to the tooth as said body moves from the activated position to the static position to urge said first end toward said second end to erupt the at least partially impacted tooth.”

Sachdeva does not describe or suggest an apparatus for facilitating treatment of a tooth that is at least partially impacted, as recited in Claim 1. More specifically, Sachdeva does not describe or suggest, among other recitations of Applicant’s claimed invention, a body comprising at least one eyelet formed between a first end and a second end. Rather, in contrast to the present invention, Sachdeva describes a transpalatal orthodontic appliance that applies corrective forces to several teeth on opposite sides of the dental arch to expand the palate by moving the teeth outwardly with respect to a palate midline and expanding the arch.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Sachdeva.

Claim 9 has been canceled. Claims 4, 5, 8 and 10 depend directly from independent Claim 1. When the recitations of Claims 4, 5, 8 and 10 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 4, 5, 8 and 10 likewise are patentable over Sachdeva.

For at least the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 1, 4, 5 and 8-10 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,

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